

## UNITED STATES DISTRICT COURT

Western District of Pennsylvania

UNITED STATES OF AMERICA

v.

FENG LIN

## JUDGMENT IN A CRIMINAL CASE

Case Number: 2:14-CR-267-002

USM Number: 35455068

Lee Markovitz

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) 3 AND 4☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

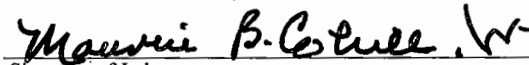
Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. 1029(a)(2)	access device fraud	2/22/2014	3 and 4
and (b)(1)			

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) \_\_\_\_\_☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

2/23/2016

Date of Imposition of Judgment

  
Signature of JudgeMaurice B. Cohill, Jr. Senior District Judge  
Name and Title of Judge

2/29/16

Date

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## PROBATION

The defendant is hereby sentenced to probation for a term of :

2 (two) years at each of Counts 3 and 4 for a total term of probation of two (2) years.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court.

- ☒ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. *(Check, if applicable.)*
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. *(Check, if applicable.)*
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. *(Check, if applicable.)*
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- ☐ The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

If this judgment imposes a fine or restitution, it is a condition of probation that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

## STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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### ADDITIONAL PROBATION TERMS

1. The defendant shall not illegally possess a controlled substance.
2. The defendant shall not possess a firearm, ammunition, destructive device or any other dangerous weapon.
3. The defendant shall pay any financial penalty that is imposed by this judgment.
4. The defendant shall provide the probation officer with access to any requested financial information.
5. The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
6. The defendant shall cooperate in the collection of DNA as directed by the probation officer.

The periodic drug testing mandated by the Violent Crime Control and Law Enforcement Act of 1994 is hereby suspended. The Court finds that this offense is not drug related; this defendant has no current or past history of substance abuse, and poses a low risk of drug use.

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### CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 200.00	\$	\$ 29,321.14

☐ The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
PNC Bank, PO Box 4092, Kalamazoo, MI 49003 ATTN: Kristen Gillihan		\$8,266.99	
Huntington National Bank, Court Order Processing (EA4W34), 7 Easton Oval, Columbus, OH 43219		\$262.29	
Dollar Bank, ATTN: Richard Romano, Three Gateway Center North, Pittsburgh, PA 15222		\$3,336.85	
Capital One Bank, ATTN: Fraud Department One South Orange Street, Wilmington, DE 19807		\$755.30	
First Commonwealth Bank, ATTN: Brenda Peterman, 601 Philadelphia Street, Indiana, PA 15701		\$1,275.38	

<b>TOTALS</b>	\$	0.00	\$	<del>28,314.78</del> <b>29321.14</b>
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☐ Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☒ the interest requirement is waived for the ☐ fine ☒ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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RESTITUTION PAYEE S

ADDITIONAL ~~TERMS FOR CRIMINAL MONETARY PENALTIES~~

Name of Payee:

Restitution Ordered

Comerica Bank  
ATTN: Internal Services  
Mail Stop 7546  
PO Box 75000  
Detroit, Michigan 48275

\$6.36

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**ADDITIONAL RESTITUTION PAYEES**

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
American Express, 43 Butterfield Circle. El Paso, TX 79906		\$416.84	
Barclays Bank, 125 South West Street, Wilmington, DE 19801, ATTN: Customer Security		\$325.33	
Discover Financial Services, 12 Reads Way, New Castle, DE 19720, attn: Aaron Baskerville		\$2,556.73	
First Commonwealth FCU, P.O. Box 20450, Lehigh Valley, PA 18002-0450, attn: Brian Veers		\$1,275.38	
RBS Citizens Business Services, Investigations - RBS Americas Corporate Security Services, 525 William Penn Place, Mail Stop PW2430, Pittsburgh, PA 15219		\$2,043.31	
USX Federal Credit Union, 1293 Freedom Road, PO Box 1728, Cranberry Township, PA 16066		\$416.84	
Brentwood Bank, ATTN: Roberta Fielding, 411 McMurray Road, Bethel Park, PA 15102		\$1,660.69	
First Niagara Bank, ATTN: Corporate Records Mgt. 4224 Ridge Lea Road, Amherst, NY 14226		\$2,186.08	
Bank of America, N.A., Attn: Pete Vacek, PO BOX 15047 Wilmington, DE 19850-5047		\$1,554.25	
JP Morgan Chase Bank, ATTN: Legal Department, 270 Park Avenue, New York, NY 10016		\$582.13	
First National Bank, One F.N.B. Boulevard, Hermitage, PA 16148		\$760.36	
U.S. Bank National Association, 800 Nicollet Mall, 21st Floor, Minneapolis, MN 55402		\$1,640.03	

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

It is further ordered that the Defendant shall pay restitution in the total amount of \$29,321.14. It is further ordered that the restitution shall be joint and several with her co-defendant Zengguang Liang CR14-267(1).

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.